

From: [PUSKAS Becka * DEQ](#)
To: [Hedgpeth, Zach](#); [WESTERSUND Joe * DEQ](#); [ORMAN Michael * DEQ](#)
Cc: [ODONNELL Kieran * DEQ](#)
Subject: FW: In re Gas Transmission Northwest, OAH Case No. 2021-ABC-04835 - Informal Settlement Meeting
Date: Wednesday, December 8, 2021 8:07:03 AM
Attachments: [image001.png](#)

FYI. Attendees for today's meeting below.

(b) (6), but if we finish before 1, let's stay on the line after GTN meeting for a quick recap.

Becka

From: David C. Weber <DWeber@bdlaw.com>
Sent: Wednesday, December 8, 2021 7:54 AM
To: PUSKAS Becka * DEQ <becka.puskas@deq.state.or.us>
Cc: ODONNELL Kieran * DEQ <kieran.odonnell@deq.state.or.us>
Subject: RE: In re Gas Transmission Northwest, OAH Case No. 2021-ABC-04835 - Informal Settlement Meeting

Hi, Becka – Our list of attendees for today's meeting: Dave Weber, Will Enoch (B&D), Jill Holley, Melinda Holdsworth, Kathleen Poloskey (GTN), and Jim McCarthy (Innovative Environmental Solutions, Inc.).

Regards,

Dave

Dave Weber

Principal

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From: PUSKAS Becka * DEQ <becka.puskas@deq.state.or.us>
Sent: Monday, December 6, 2021 9:46 PM
To: David C. Weber <DWeber@bdlaw.com>
Cc: ODONNELL Kieran * DEQ <kieran.odonnell@deq.state.or.us>
Subject: RE: In re Gas Transmission Northwest, OAH Case No. 2021-ABC-04835 - Informal Settlement Meeting

Hi David,

Thanks for your email, and yes we are confirmed for 11:30-1 on Wednesday December 8. Please let me know if you did not receive the meeting invitation from Kieran. In response to your question, the rules of evidence generally do not apply to DEQ's administrative cases. The applicable rule is OAR 137-003-0610. Additionally, any notes that DEQ may take during the meeting are public records, unless they are exempt from disclosure under the Oregon Public Records Law. That said, the purpose of the meeting is to get relevant information out on the table and if possible to work towards resolving the matter by settlement. To that end, I am hopeful that we can have a candid conversation.

Participating for DEQ in addition to myself will be Kieran O'Donnell, Michael Orman, Joe Westersund, and Zach Hedgpeth from EPA.

I'd like to leave the substance for the larger group on Wednesday, but I am available most of tomorrow afternoon so you are welcome to give me a call at the mobile number below if there are any other preliminary issues you'd like to discuss.

Becka

Becka Puskas, J.D.
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Portland, OR 97232
Office: (503) 229-5058
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Pronouns: she, her, hers

From: David C. Weber <DWeber@bdlaw.com>

Sent: Monday, December 6, 2021 9:54 AM

To: PUSKAS Becka * DEQ <becka.puskas@deq.state.or.us>

Subject: In re Gas Transmission Northwest, OAH Case No. 2021-ABC-04835 - Informal Settlement Meeting

Hi, Becka –

GTN is looking forward to our virtual settlement conference this Wednesday with DEQ and a representative from EPA at 11:30am PT.

It's GTN's understanding that our discussions at the conference will be protected by Evidence Code 408. Can you please confirm? Given EPA's attendance at the meeting, can you confirm that EPA will agree also that our discussions will be protected under EC 408?

Happy to touch base with you before the conference. I have availability tomorrow after Noon for a quick call.

Regards,

Dave

Dave Weber

Principal

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From: WEBSTER Alison G * OAH <Alison.G.WEBSTER@employ.oregon.gov>

Sent: Wednesday, November 10, 2021 2:15 PM

To: ODONNELL Kieran (Kieran.ODONNELL@state.or.us) <kieran.odonnell@state.or.us>; David C. Weber <DWeber@bdlaw.com>

Cc: PUSKAS Becka * DEQ <becka.puskas@deq.state.or.us>; William J. Enoch <WEnoch@bdlaw.com>; OED_OAH_REFERRAL * OED <OED_OAH_REFERRAL@employ.oregon.gov>

Subject: In re Gas Transmission Northwest, OAH Case No. 2021-ABC-04835 - Hearing schedule
Good afternoon,

This will confirm what we discussed in today's prehearing conference in the above-referenced matter. Attorney David Weber participated for Respondent Gas Transmission Northwest (GTN), along with Will Enoch, Jill Holley, Kathleen Poloskey. Kieran O'Donnell and Becka Puskas participated for DEQ.

We discussed that DEQ produced more than 10,500 documents in response to GTN's public records request. Mr. O'Donnell reported that the parties had scheduled a settlement conference for November 2, 2021, but the conference was postponed on GTN's request, and rescheduled to December 8, 2021, from 11:30 am to 1:00 pm. Mr. O'Donnell reported that DEQ is working with federal Environmental Protection Agency (EPA) in this matter, and that an EPA representative will be attending the settlement conference and the hearing (if the case does not settle).

Mr. O'Donnell added that because DEQ is working with the EPA in this case, it is DEQ's position that there is no need for a written stipulation waiving DEQ's expedited hearing rule in the Regional Haze

context. The parties continue to act in good faith and resolve this matter without undue delay. In the event the parties do not reach a settlement in this matter, we scheduled the hearing for **Monday-Tuesday, February 28, 2022 and March 1, 2022**, beginning at 9:00 AM Pacific Time, via Webex video platform. Mr. Weber, if GTN has a conflict with these dates, please promptly notify the OAH and DEQ, and provide alternate availability.

Attached to this email is the OAH Virtual Hearings Reference Guide, setting out recommendations and best practices for participating in a virtual hearing before the OAH. The Reference Guide also provides a link that participants may use to test their devices/computer equipment and familiarize themselves with the Webex platform.

We set February 14, 2022 as the deadline for submitting hearing exhibits and witness lists. DEQ should file documents using the agency portal, and Respondent GTN should file documents electronically using the OED_OAH_Referral@oregon.gov email address. If feasible, please also provide a courtesy hard copy of the hearing exhibits by mail, to my attention at the OAH office in Tualatin.

Please advise if I have missed or misstated anything herein. Also, please promptly advise the OAH if the parties resolve this matter through settlement. Thank you.

Alison Greene Webster

Senior Administrative Law Judge
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